

**REMARKS**

Entry of the foregoing, and reconsideration and further examination of the subject application, in view of the amendments above and remarks below, are respectfully requested.

**Status of Claims**

By the above amendments, claims 1, 6, 10, 26, and 28 have been amended, and new claims 37-39 have been added. Support for the inherent viscosity recited in claims 1 and 28 and the new claims may be found in the description such as paragraphs [0010] and [0016]. The remaining amendments deal with informalities in those claims. No claims have been deleted. Thus, upon entry of the foregoing, claims 1-42 will be pending in the application. Each of these claims is under consideration.

**Claim Rejections – 35 U.S.C. §§ 102 and 103**

In the final Office Action, claims 1-5, 28-30, and 35-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 56-38367 A ("Masuda"). Claims 6-27 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of U.S. Patent No. 5,292,783 ("Buchanan") and U.S. Patent No. 6,303,677 ("Warzelhan"). For the following reasons, these rejections should be withdrawn.

Masuda does not disclose or suggest each feature of the present invention, as set forth in representative claim 1. For example, Masuda does not disclose or suggest a polymer blend comprising an aliphatic-aromatic random copolyester (AAPE) and a poly(ethylene-co-vinyl acetate) copolymer where the AAPE has an inherent viscosity (IV) of about 0.8 to 1.6 dl/g. Masuda discloses that its saturated polyester (I) has a melt index (MI) at 140°C of 50 - 400 g/10 min. See page 3, last paragraph, of the Masuda English translation. The MI at 140°C of an AAPE having an IV of 0.8 to 1.6 dl/g is 46.5 to 1.35 g/10 min, respectively. See Shelby Decl. ¶ 17 (attached). Thus, the MI of the AAPE recited in the present claims is lower than that of Masuda. Accordingly, Masuda does not disclose or suggest each feature of the present claims.

Neither Buchanan nor Warzelhan remedies this deficiency of Masuda. Indeed, the Office Action did not cite Buchanan or Warzelhan for this purpose. Thus, even if

Buchanan and Warzelhan could be properly combined with Masuda, the combination would still not have led persons skilled in the art to arrive at the claimed invention.

In fact, neither Buchanan nor Warzelhan can be properly combined with Masuda. Both secondary references are directed to biodegradable polymer compositions. On the other hand, Masuda is directed to a hot melt adhesive to be applied on fabric surfaces. As a test of its strength and durability, the hot melt adhesive of Masuda was applied to fabric, and then subject to dry cleaning and washing. See Working Examples 1 and 2 of Masuda. There is no suggestion or motivation in Masuda for a biodegradable hot melt adhesive. In fact, the notion of a biodegradable hot melt adhesive would run counter to an object of the Masuda invention, which is to obtain a hot melt adhesive with excellent durability. See page 2, first full paragraph, of the English translation of Masuda.

Thus, persons of ordinary skill in the art would have lacked the requisite motivation or suggestion to look to Buchanan or Warzelhan to modify the invention of Masuda.

Accordingly, Masuda does not anticipate the present claims, and there's no *prima facie* case of obviousness. As a result, the rejections should be withdrawn.

### Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

Respectfully submitted,

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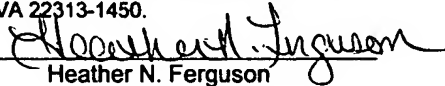
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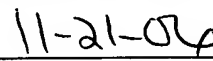
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